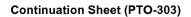
Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/561,042	NISHINO ET AL.	
Examiner	Art Unit	

	SUSANNA MOORE	1624	
The MAILING DATE of this communication appe	ars on the cover sheet with the	correspondence address	
THE REPLY FILED 28 September 2009 FAILS TO PLACE THI	S APPLICATION IN CONDITION F	FOR ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appelor Continued Examination (RCE) in compliance with 37 Coperiods:	the same day as filing a Notice of replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	Appeal. To avoid abandonment of this it, or other evidence, which places the with 37 CFR 41.31; or (3) a Request	
a) The period for reply expires 5 months from the mailing date	of the final rejection.		
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire to Examiner Note: If box 1 is checked, check either box (a) or (MONTHS OF THE FINAL REJECTION. See MPEP 706.07(the content of the period for reply expires to the second of the second of the period for reply expires the second of the seco	ater than SIX MONTHS from the mailing b). ONLY CHECK BOX (b) WHEN THE c).	g date of the final rejection. E FIRST REPLY WAS FILED WITHIN TWO	
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of extunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	ension and the corresponding amount hortened statutory period for reply origi than three months after the mailing dat	of the fee. The appropriate extension fee inally set in the final Office action; or (2) as	
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exter Notice of Appeal has been filed, any reply must be filed with the Notice of Appeal has been filed. 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the appeal. Since a	
AMENDMENTS			
 The proposed amendment(s) filed after a final rejection, the confidence of the proposed amendment(s) filed after a final rejection, the confidence of the proposed amendment(s) filed after a final rejection, the confidence of the proposed amendment(s) filed after a final rejection, the confidence of the proposed amendment(s) filed after a final rejection, the confidence of t	nsideration and/or search (see NO		
(c) They are not deemed to place the application in bet appeal; and/or	ter form for appeal by materially red	ducing or simplifying the issues for	
(d) ☐ They present additional claims without canceling a converse NOTE: (See 37 CFR 1.116 and 41.33(a)).	corresponding number of finally reje	ected claims.	
4. The amendments are not in compliance with 37 CFR 1.12	21. See attached Notice of Non-Co	mpliant Amendment (PTOL-324).	
5. Applicant's reply has overcome the following rejection(s):			
 Newly proposed or amended claim(s) would be all non-allowable claim(s). 			
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is proved the status of the claim(s) is (or will be) as follows:		l be entered and an explanation of	
Claim(s) allowed: Claim(s) objected to:			
Claim(s) rejected: <u>1,3,4,6 and 13</u> . Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE	h hafana an an tha data of filling a Ni	ation of Annual will not be entered	
 The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 			
 The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary 	vercome <u>all</u> rejections under appear and was not earlier presented. Se	al and/or appellant fails to provide a ee 37 CFR 41.33(d)(1).	
 The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER 	n of the status of the claims after e	ntry is below or attached.	
11. The request for reconsideration has been considered but	t does NOT place the application in	n condition for allowance because:	
12. Note the attached Information <i>Disclosure Statement</i> (s). (PTO/SB/08) Paper No(s) 13. Other:			
	/Susanna Moore/ Examiner, Art Unit 1624		



Application No.